



General Assembly

January Session, 2001

***Amendment***

LCO No. 7402

Offered by:

REP. KNOPP, 137<sup>th</sup> Dist.

To: Subst. House Bill No. 6636

File No. 438

Cal. No. 316

***"AN ACT CONCERNING PRIVATIZED PUBLIC RECORDS."***

1 Strike out everything after the enacting clause and substitute the  
2 following in lieu thereof:

3 "Section 1. Section 1-200 of the general statutes is repealed and the  
4 following is substituted in lieu thereof:

5 As used in this chapter, and in section 2 of this act, the following  
6 words and phrases shall have the following meanings, except where  
7 such terms are used in a context which clearly indicates the contrary:

8 (1) "Public agency" or "agency" means any executive, administrative  
9 or legislative office of the state or any political subdivision of the state  
10 and any state or town agency, any department, institution, bureau,  
11 board, commission, authority or official of the state or of any city,  
12 town, borough, municipal corporation, school district, regional district  
13 or other district or other political subdivision of the state, including  
14 any committee of, or created by, any such office, subdivision, agency,  
15 department, institution, bureau, board, commission, authority or

16 official, and also includes any judicial office, official, or body or  
17 committee thereof but only in respect to its or their administrative  
18 functions. "Public agency" includes an "implementing agency" as  
19 defined in section 32-222.

20 (2) "Meeting" means any hearing or other proceeding of a public  
21 agency, any convening or assembly of a quorum of a multimember  
22 public agency, and any communication by or to a quorum of a  
23 multimember public agency, whether in person or by means of  
24 electronic equipment, to discuss or act upon a matter over which the  
25 public agency has supervision, control, jurisdiction or advisory power.  
26 "Meeting" shall not include: Any meeting of a personnel search  
27 committee for executive level employment candidates; any chance  
28 meeting, or a social meeting neither planned nor intended for the  
29 purpose of discussing matters relating to official business; strategy or  
30 negotiations with respect to collective bargaining; a caucus of members  
31 of a single political party notwithstanding that such members also  
32 constitute a quorum of a public agency; an administrative or staff  
33 meeting of a single-member public agency; and communication  
34 limited to notice of meetings of any public agency or the agendas  
35 thereof. A quorum of the members of a public agency who are present  
36 at any event which has been noticed and conducted as a meeting of  
37 another public agency under the provisions of the Freedom of  
38 Information Act shall not be deemed to be holding a meeting of the  
39 public agency of which they are members as a result of their presence  
40 at such event.

41 (3) "Caucus" means a convening or assembly of the enrolled  
42 members of a single political party who are members of a public  
43 agency within the state or a political subdivision.

44 (4) "Person" means natural person, partnership, corporation, limited  
45 liability company, association or society.

46 (5) "Public records or files" means any recorded data or information  
47 relating to the conduct of the public's business prepared, owned, used,

48 received or retained by a public agency, or to which a public agency is  
49 entitled to receive a copy by law or contract, whether such data or  
50 information be handwritten, typed, tape-recorded, printed,  
51 photostated, photographed or recorded by any other method.

52 (6) "Executive sessions" means a meeting of a public agency at  
53 which the public is excluded for one or more of the following  
54 purposes: (A) Discussion concerning the appointment, employment,  
55 performance, evaluation, health or dismissal of a public officer or  
56 employee, provided that such individual may require that discussion  
57 be held at an open meeting; (B) strategy and negotiations with respect  
58 to pending claims or pending litigation to which the public agency or a  
59 member thereof, because of [his] the member's conduct as a member of  
60 such agency, is a party until such litigation or claim has been finally  
61 adjudicated or otherwise settled; (C) matters concerning security  
62 strategy or the deployment of security personnel, or devices affecting  
63 public security; (D) discussion of the selection of a site or the lease, sale  
64 or purchase of real estate by a political subdivision of the state when  
65 publicity regarding such site, lease, sale, purchase or construction  
66 would cause a likelihood of increased price until such time as all of the  
67 property has been acquired or all proceedings or transactions  
68 concerning same have been terminated or abandoned; and (E)  
69 discussion of any matter which would result in the disclosure of public  
70 records or the information contained therein described in subsection  
71 (b) of section 1-210.

72 (7) "Personnel search committee" means a body appointed by a  
73 public agency, whose sole purpose is to recommend to the appointing  
74 agency a candidate or candidates for an executive-level employment  
75 position. Members of a "personnel search committee" shall not be  
76 considered in determining whether there is a quorum of the  
77 appointing or any other public agency.

78 (8) "Pending claim" means a written notice to an agency which sets  
79 forth a demand for legal relief or which asserts a legal right stating the  
80 intention to institute an action in an appropriate forum if such relief or

81 right is not granted.

82 (9) "Pending litigation" means (A) a written notice to an agency  
83 which sets forth a demand for legal relief or which asserts a legal right  
84 stating the intention to institute an action before a court if such relief or  
85 right is not granted by the agency; (B) the service of a complaint  
86 against an agency returnable to a court which seeks to enforce or  
87 implement legal relief or a legal right; or (C) the agency's consideration  
88 of action to enforce or implement legal relief or a legal right.

89 (10) "Freedom of Information Act" means this chapter.

90 (11) "Governmental function" means the administration or  
91 management of a program of a public agency, which program has  
92 been authorized by law to be administered or managed by a person.  
93 "Governmental function" shall not include the mere provision of goods  
94 or services to a public agency without the delegated responsibility to  
95 administer or manage a program of a public agency.

96 Sec. 2. (NEW) Each contract in excess of two million five hundred  
97 thousand dollars between a public agency and a person for the  
98 performance of a governmental function shall (1) provide that the  
99 public agency is entitled to receive a copy of records and files related  
100 to the performance of the governmental function, and (2) indicate that  
101 such records and files are subject to the Freedom of Information Act  
102 and may be disclosed by the public agency pursuant to the Freedom of  
103 Information Act. No request to inspect or copy such records or files  
104 shall be valid unless the request is made to the public agency in  
105 accordance with the Freedom of Information Act. Any complaint by a  
106 person who is denied the right to inspect or copy such records or files  
107 shall be brought to the Freedom of Information Commission in  
108 accordance with the provisions of sections 1-205 and 1-206 of the  
109 general statutes."